

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yoshiji Ohta, et al.

U.S.S.N.: Not Yet Assigned      Examiner: Not Yet Assigned

Filed: Herewith      Group: Not Yet Assigned

For: FLAPPING APPARATUS

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EV 343733806 US), and is addressed to the Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450 on December 31, 2003.

By Kathryn A. Grindrod  
Kathryn A. Grindrod

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**ATTENTION: GROUP DIRECTOR**

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on Form PTO-1449, attached hereto.

**II. COPIES**

a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. \_\_\_\_\_ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.\_\_\_\_\_, filed on \_\_\_\_\_. The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

**III. CONCISE EXPLANATION OF THE RELEVANCE**

(check at least one box)

a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:  
See English language Abstract and translation of Claims 8 and 11 attached to the Japanese language document cited and provided herewith.

c. X The following additional information is provided for the Examiner's consideration:

Document BA is one of the priority applications claimed in document AA

**FEES**

**IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**

(check one box)

a. X within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.

b. \_\_\_\_\_ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

c.  Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

**OR**

b.  See the certification below. No fee is required.

VI. **STATEMENT UNDER 37 C.F.R. § 1.97(e)** (check only one box)

The undersigned hereby states that

a.  each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. \_\_\_\_\_

Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

—  
Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

X

No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: December 31, 2003

David A. Tucker  
**SIGNATURE OF PRACTITIONER**

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<b>FORM PTO-1449</b>		<b>DOCKET NO.:</b> 60533 (70551)	<b>SERIAL NO.:</b> Not Yet Assigned
<b>INFORMATION DISCLOSURE STATEMENT</b>		<b>APPLICANT(S):</b> Yoshiji Ohta, et al.	
		<b>FILING DATE:</b> Herewith	<b>GROUP NO.:</b> Not Yet Assigned

**UNITED STATES PATENT DOCUMENTS**

<b>EXAM. INITIALS</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>
	AA	2002/0117583 A1	08/29/2002	M. Hamamoto, et al.	244	72	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

**FOREIGN PATENT DOCUMENTS**

		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION YES/NO</b>
	BA	2002-326599	11/12/2002	JAPAN			Abstract/Partial Translation
	BB						
	BC						
	BD						
	BE						
	BF						

**OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)**

CA	
EXAMINER:	DATE:

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